

MINUTES OF THE MIDWAY CITY COUNCIL

(Regular Meeting)

Tuesday, 10 November 2015, 6:00 p.m.
Midway Community Center, City Council Chambers
160 West Main Street, Midway, Utah

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order; Opening Remarks or Invocation; Pledge of Allegiance

Mayor Bonner called the meeting to order at 6:06 p.m. She excused Council Member Hofheins.

Members Present:

Colleen Bonner, Mayor
Dick Hines, Council Member
Ken Van Wagoner, Council Member
Karl Dodge, Council Member
Kent Kohler, Council Member

Staff Present:

Michael Henke, Planning Director
Wes Johnson, Engineer
Shane Owens, Public Works Assistant Crew
Chief
Brad Wilson, Recorder/Financial Officer

Members Excused:

Danny Hofheins, Council Member

Note: A copy of the meeting roll is contained in the supplemental file.

Mayor Bonner asked if a Midway City resident in attendance would like to give the opening remarks or invocation. Gavin Scott gave the opening remarks or invocation. Mayor Bonner led the Council and meeting attendees in the pledge of allegiance.

2. Consent Calendar

- a. Agenda for the 10 November 2015 City Council Regular Meeting
- b. Warrants
- c. Minutes of the 28 October 2015 City Council Regular Meeting

Note: Copies of items 2a, 2b and 2c are contained in the supplemental file.

Motion: Council Member Van Wagoner moved to approve the consent calendar.

Second: Council Member Hines seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

- 3. Public Comment** – Comments will be Taken on Any Item not Scheduled for a Public Hearing, as Well as on Any Other City Business. Comments are Limited to Two Minutes per Speaker. The Council Cannot Act on Items not Listed on the Agenda, and Therefore, the Council may or may not Respond to Non-Agenda Issues Brought up Under Public Comment. Those Wishing to Comment Should use the Podium, State Their Full Name and Address, Whom They Represent and the Subject Matter to be Addressed. Total Time Allocated to Public Comments will be no More than 10 Minutes.

Mayor Bonner asked if there were any comments from the public for items not on the agenda. No comments were offered.

- 4. Lance Subdivision, Phase II/Preliminary and Final Approval (Mike Johnston)** – A Request for Preliminary and Final Approval for Phase II of the Lance Subdivision Located at 292 West Main Street (Zoning is R-1-7). Recommended with Conditions by the Midway City Planning Commission.

- 4a. Presentation** – Receive Presentations on the Request from Staff and the Applicant

Michael Henke gave a presentation regarding the request and reviewed the following areas:

- Land use summary
- Location of the project
- Proposed plat map
- Pictures of the proposed site
- Water review
- Possible findings
- Recommended conditions

Mr. Henke also made the following comments:

- Phase I of the project was already built.
- There was a jog in the boundary for Lot #2 to leave a shed in Lot #3.

Note: A copy of Mr. Henke’s presentation is contained in the supplemental file.

4b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing.

Susan Fox, 206 West Main Street

Ms. Fox said the proposal met all requirements such as setbacks and should be approved.

Mayor Bonner closed the hearing when no further public comment was offered.

4c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Van Wagoner moved to grant preliminary and final approval for Phase II of the Lance Subdivision, located at 292 West Main Street, with the staff findings, the dedication of water as recommended by the Midway Water Advisory Board and that it met all requirements.

Second: Council Member Dodge seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

5. Annexation Declaration Line Amendment (City Planner) – A Request to Expand the Midway Growth Boundary (Annexation Declaration Line) to Include a One Acre Parcel at 16 North Johnson Mill Road. Recommended without Conditions by the Midway City Planning Commission.

5a. Presentation – Receive a Presentation on the Request from Staff

Michael Henke gave a presentation regarding the request and reviewed the following areas:

- Location of the growth boundary expansion
- Picture of the effected property
- Current growth boundary

Mr. Henke also made the following comments:

- The City was improving the road and water lines on the east side of the Hamlet Park.
- The properties that would benefit from the improvements were being annexed into the City.
- Most of the effected property owners had signed the annexation petition.
- One of the properties, which was one acre and owned by the Maisey family, was not in the City's growth boundary.
- The proposed zoning for the lot, if it was included in the boundary, would be R-1-15
- Had tried multiple times to contact the Maiseys and those renting the home on the property but was unsuccessful.
- The Maisey's did not need to approve the boundary expansion.
- If the expansion was approved then the next step would be annexing the property along with the other parcels to the south.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

Council Member Hines asked why the Maiseys might oppose the expansion. Mr. Henke responded that their taxes could increase. He noted that the property was now connected to an improved water system.

Council Member Dodge asked if Mr. Henke would recommend the change even if it was opposed by the Maiseys. Mr. Henke responded that he would still recommend it. He noted that the property could be annexed into the City, without the Maisey's consent, because all of the other effected property owners had signed the annexation petition.

5b. Public Hearing – Receive Public Comment on the Request

Mayor Bonner opened the public hearing. She closed the hearing when no public comment was offered.

5c. Action – Discuss and Possibly Approve the Request

Motion: Council Member Dodge moved to amend the annexation declaration line to include the one acre parcel at 16 North Johnson Mill Road with the findings of staff.

Second: Council Member Kohler seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

6. Valais Park Master Plan (Mayor) – Discuss and Possibly Approve a Master Plan for the Valais Park

Mayor Bonner indicated that approval of the master plan needed to be tabled.

Motion: Council Member Van Wagoner moved to continue consideration of the Valais Park master plan.

Second: Council Member Hines seconded the motion.

Discussion: None

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

7. Ice Rink Vending (Bryce Johnson) – Discuss and Possibly Approve a Donut Vendor and a Food Truck on Specified Dates at the Midway City Ice Rink

Bryce Johnson made the following comments:

- He would operate the City's ice rink that season.
- Proposed that a vendor help him sell concessions during busy times at the rink.
- Prepackaged food, such as cookies and muffins, would be sold and the vendor would make fresh donuts.

- The vendor would operate on the gazebo and not in a food truck. He would be regulated by the Wasatch County Health Department regarding the donuts.
- Would have the tree lighting ceremony on November 28th and swimsuit skating on January 1st. Wanted to have a food truck at those events.

Council Member Hines asked if the sale of the donuts would conflict with Swiss Christmas. Bryce Johnson responded that it would be complementary.

Council Member Van Wagoner asked if the vendor selling the donuts needed a business license. Bryce Johnson asked that the vendor be allowed to operate under his license. Michael Henke indicated that a business license was needed but Bryce Johnson's license would be sufficient.

Council Member Dodge asked if Bryce Johnson's proposals competed with local businesses. Bryce Johnson responded that the food would be different from that offered by local restaurants. He added that he contacted Taurahumara, who advertised at the rink, to provide the food during the events but they were not interested. He indicated that he did not contact Café Galleria because they stopped advertising at the rink.

Council Member Hines complimented Bryce Johnson on how he operated the rink.

Motion: Council Member Kohler moved to approve a donut vendor at the ice rink for the dates of December 4th and 5th, December 18th through January 3rd, and one mid-week event in February. He further moved to approve a food truck at the ice rink on November 28th and January 1st.

Second: Council Member Hines seconded the motion.

Discussion: Council Member Dodge expressed concern with the food trucks because they directly competed with local businesses. Bryce Johnson said he would again contact local restaurants to see if they wanted to sell food at the two events. Council Member Dodge said he would support food trucks if the local restaurants were first given a chance to sell at the events. Council Member Kohler agreed that local restaurants should be given the first opportunity.

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

8. Resolution 2015-21/Festival Market Vendors (Mayor) – Discuss and Possibly Amend the Midway City Fee Schedule to Include a Fee for Individual Vendors at a Festival Market

Michael Henke reviewed the history of the City's festival market regulations and made the

following comments regarding the proposed resolution:

- The City had received comments on the regulations.
- The regulations applied to third party vendors at local businesses.
- The number of booths allowed was limited and based on the size of the retail space of the hosting business. In the coming year the number would decrease to one booth per 250 sq. ft. of the hosting businesses' retail space.
- Gathering money to pay for services during Swiss Days had been discussed.
- As the number of third party vendors grew there would be more pedestrian traffic across Main Street and other roads.
- During Swiss Days in 2014 there were no police officers to direct pedestrians cross Main Street. The City paid extra for police officers to do that in 2015.
- The required setbacks for third party vendors worked well that year.
- Safety during Swiss Days had improved that year.
- The City needed to decide who would pay for the additional police officers.
- Although the City paid \$3,600, for the additional officers that year, the actual cost was probably around \$10,000. Thought that the City would have to pay more than \$3,600 a year in the future.
- A fee for each third party vendor that was off of the Town Square had been proposed. Other cities charged such fees. Recommended \$100 per booth.
- There could be 50 third party vendors during Swiss Days in 2016. This would generate \$5,000 in revenue.

Mayor Bonner made the following comments:

- She, Council Member Hofheins and Council Member Kohler met and reviewed the festival market regulations.
- The festival markets operated better during Swiss Days because of new setbacks and other changes.
- The proposed fee would be paid by the vendor and not the hosting business. However, the fee would be collected through the hosting business.
- The fee would not be charged to any booths directly owned by the hosting business.
- The fee would not cover the full cost of the additional law enforcement.

Council Member Van Wagoner asked if the vendors on the Town Square during Swiss Days should also pay the fee. Mayor Bonner responded that they should not. She indicated that the Midway Boosters, which operated Swiss Days, paid for other services like the shuttle buses, etc.

Council Member Van Wagoner stated that the actual cost of the additional law enforcement needed to be determined before the amount of the fee could be established. Council Member Kohler agreed but indicated that the Council could not wait too long to make a decision.

Council Member Van Wagoner asked if the Midway Boosters should be charged more for Swiss Days. He said that any fee should be fair and charged to all vendors. Mr. Henke indicated that the Boosters paid \$3,000 for a business license for the event.

Mayor Bonner thought that the City would always have to subsidize a portion of the additional law enforcement.

Council Member Dodge asked if the services during Swiss Days, like the shuttle buses, should be charged to all vendors.

Mayor Bonner noted that the off-square vendors provided their own restrooms.

Mayor Bonner thought that it would be difficult to charge off-square vendors for the entire cost of the additional law enforcement.

Susan Fox asked why the item had been put on the agenda at the last minute. Mayor Bonner responded that it was put on the agenda the previous Friday.

Ms. Fox explained that no one directed pedestrians or traffic, during Swiss Days, at the intersection next to her business. If the vendors had to pay a fee then she wanted pedestrian crossings at the intersection.

Ms. Fox thought that the vendors on the square should also pay a fee if one was adopted. She thought that off-square vendors were paying a disproportionate share of the costs.

Ms. Fox said that residents did not shop at her business, and that she was required by the City to purchase extra property for parking.

Ken Johnson, representing Race Horse Lane, indicated that people crossed the streets anyway going from their vehicles to Swiss Days and back again. He thought that was the more significant cause of the pedestrian traffic.

Ken Johnson said that any fees should be fair and thought that it was already expensive for the vendors.

Mayor Bonner said the Council could approve the resolution, based on the recommendation of her and the two council members, or table it for further study. She felt that there would have to be some type of fee.

Ms. Fox recommended a fee of \$50 instead of \$100. Mr. Henke noted that \$50 a vendor would not cover the previous cost of \$3,600.

Council Member Van Wagoner again recommended that a decision not be made until the actual cost for the additional law enforcement was determined.

Council Member Van Wagoner agreed that a lot of the street crossings were from pedestrians going between their vehicles and Swiss Days.

Council Member Dodge thought that law enforcement should be on the corner of Main Street and 200 West, next to Ms. Fox's bakery, before being between the post office and the Community Center as in the past.

Mayor Bonner indicated that the intersection of 100 North and 200 West was also a problem. She recommended that at least adults rather than children should be used by Swiss Days at the intersections of the Town Square.

Ms. Fox that thought using a security company rather than law enforcement, for pedestrian and traffic control, would be less expensive. Council Member Van Wagoner pointed out that a security officer did not have arrest powers.

Council Member Hines asked if even more law enforcement was needed. Council Member Van Wagoner responded that the Sheriff's Department might not have any additional officers available.

Ms. Fox asked how long the Booster's had paid \$3,000 to the City for Swiss Days. Mayor Bonner did not think they had been paying it for a long time.

Mayor Bonner indicated that Swiss Days was an important part of the community. She noted that it raised money for community projects. She wanted the festival to be safe.

Mayor Bonner felt that business owners should market so that customers during Swiss Days came back during the rest of the year.

Mayor Bonner did not think that any regulations would be completely fair to everyone.

Motion: Council Member Van Wagoner moved to table the resolution until the council meeting in December.

Second: Council Member Hines seconded the motion.

Discussion: Mayor Bonner indicated that the cost, for additional law enforcement in the future, would be obtained before the meeting.

Vote: The motion was approved with the Council voting as follows:

Council Member Hines	Aye
Council Member Hofheins	Excused from the Meeting
Council Member Van Wagoner	Aye
Council Member Dodge	Aye
Council Member Kohler	Aye

9. Department Reports

Colleen Bonner, Mayor

Christmas Events – Mayor Bonner reminded the Council of upcoming Christmas events.

Michael Henke, Planning Director

Ridley’s Express/U-Haul Franchise – Mr. Henke gave a presentation on the U-Haul franchise at Ridley’s Express convenience store.

Note: A copy of Mr. Henke’s presentation is contained in the supplemental file.

Mr. Henke explained that the franchise was not licensed and took up a lot of parking which hurt neighboring businesses. He indicated that the owner of the store was no longer responding to his letters.

Council Member Van Wagoner reported that several of the U-Haul trucks would be moved over the next several days.

Mr. Henke asked if the City should shut down the franchise or try to negotiate with the owner. He said that type of business was not addressed in the Municipal Code. He recommended that a site plan for the convenience store, U-Haul franchise and neighboring businesses be submitted to the City.

Council Member Kohler, who’s business was next to the store and the franchise, said that on several occasions there were not enough parking spaces. He said U-Haul trucks were left at the store and people could not drive around the building or back out of parking spaces. He said the problem was compounded when deliveries were made to the store. He said that the constant change in store managers was a problem and that too many U-Haul trucks and trailers were kept onsite.

Mayor Bonner explained that the spaces, used for the U-Haul trucks and trailers, were already required for the convenience store and the other businesses.

Mayor Bonner said that Ridley’s Family Stores bought the convenience store and did not know that the franchise was unlicensed.

Council Member Van Wagoner recommended that the City Attorney write a letter to the owner and then further action be taken if needed. Mr. Henke added that not having a license was a Class B misdemeanor with a per day fine.

Shipping Containers – Michael Henke gave a presentation regarding shipping containers and made the following comments:

- Several businesses and homes were using shipping containers for storage.
- The Municipal Code did not address their use.
- Structures had to meet the required setbacks and architectural standards.
- Had sent letters to and spoken with the owner of the Midway Adventure Company

regarding his shipping containers. The owner's response was that they were better than temporary tents.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

Mr. Henke asked if the City wanted to allow shipping containers especially in residential areas.

Council Member Hines indicated that painting the containers a more neutral color would be a significant improvement.

Council Member Dodge noted that the City did not regulate the color of buildings and structures. He recommended that the lettering and numbering on the containers be removed.

Council Member Hines thought that the containers were a valid option for storage and should be allowed if painted a neutral color.

Council Member Dodge recommended against regulating them in residential areas. He thought that the color should only be regulated in commercial zones. He added that the City should not be telling people if their sheds looked good or not.

Council Member Kohler asked if the City had received any complaints regarding the shipping containers. Mr. Henke responded that he had received complaints about containers in residential areas.

Mr. Henke said he would propose regulations requiring shipping containers, in commercial zones, be painted a neutral color or the same color as the existing buildings on the property.

Brad Wilson, Recorder

Reagan Signs/Notification Letter – Mr. Wilson reviewed a letter from Reagan Signs notifying the City that the company had to be noticed of any proposed changes to its sign regulations. Michael Henke indicated that it was a form letter sent to all local governments.

Kent Kohler, Council Member

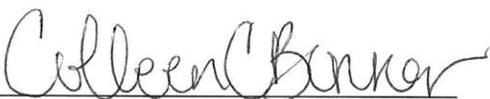
Main Street and Center Street/Street Lights/Roundabout – Council Member Kohler asked if the Utah Department of Transportation (UDOT) had reported back to the City about a roundabout at the intersection of Main Street and Center Street. Wes Johnson said he would call UDOT regarding the issue.

Mayor Bonner explained that she asked UDOT to look at a roundabout at the intersection so that residents would know that it was at least studied and considered. Wes Johnson noted that the Hardy Foundation owned the properties on three of the four corners of the intersection.

10. Adjournment

Motion: Council Member Van Wagoner moved to adjourn the meeting. Council Member Kohler seconded the motion. The motion passed unanimously.

The meeting was adjourned at 7:46 p.m.



Colleen Bonner, Mayor



Brad Wilson, Recorder